



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Arnold Schwarzenegger
Governor

January 13, 2009 CERTIFIED MAIL NUMBER: 7003 3110 0003 0768 1875

Mr. Stephen Douglas
Compliance Manager
Evergreen Oil, Inc.
6880 Smith Avenue
Newark, California 94560

STAY OF FINAL STANDARDIZED HAZARDOUS WASTE FACILITY PERMIT FOR
EVERGREEN OIL, INC. – DAVIS, 44561 ROAD 30-B, DAVIS, CALIFORNIA, EPA ID
No. CAD 982446874

Dear Mr. Douglas:

The Department of Toxic Substances Control (DTSC) has received a petition for review (Appeal) of the permit decision issued by DTSC on October 24, 2008 for the renewal of the Hazardous Waste Facility Permit of Evergreen Oil, Inc. – Davis. The single appeal (attached) was filed by Mr. Philip Chandler.

Pursuant to California Code of Regulations, Title 22, section 66271.14, subdivision (b)(2), the permit decision is stayed until DTSC has completed its preliminary review of the appeal and determined which, if any, of the issues raised in the Appeal meet the criteria set forth in California Code of Regulations, Title 22, section 66271.18 for granting a review. By a copy of this letter to Mr. Chandler, DTSC is also acknowledging the receipt of his appeal.

If DTSC determines that one or more issues raised in the Appeal meet the procedural and substantive criteria for granting a review, DTSC will issue an order and a public notice establishing a briefing period during which interested parties may submit written arguments to DTSC on identified appeal comments accepted for further briefing. DTSC will also determine which conditions in the permit decision are affected by the appeal issues for which a briefing period is granted and will adjust the scope of the stay pursuant to California Code of Regulations, Title 22, section 66271.15. If a briefing period is established, DTSC will issue a second order setting forth its final decision on the Appeal after considering all the arguments submitted during the briefing period.

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In the event that DTSC determines that none of the issues raised in the Appeal meet the criteria for granting a review, DTSC will issue an order denying the Appeal and will rescind the stay of the permit decision.

As DTSC's Permit Appeals Officer, I must remain neutral in the process; therefore, I must refrain from discussing the substance of the permit decision and the appeal with all parties. You may, however, continue to communicate with staff of DTSC's Permit Renewal Team.

If you have any questions or require further information concerning the permit or permit application, please contact Mr. Alfred Wong at (510) 540-3946. Questions regarding this Appeal can be directed to Mr. Mike O'Docharty of my staff at (916) 324-4754.

Sincerely,

//original signed by//

Mohinder S. Sandhu, P.E.
Permit Appeals Officer

Attachment

cc: (via e-mail with enclosure)

Alfred Wong, Project Manager
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Mr. Philip Chandler
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